



UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 31 2003

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2100**

In re Application of: Martin Morris)
Application No.: 09/871,097)
Filed: May 31, 2001)
For: APPARATUS AND METHOD FOR)
FACILITIES MAINTENANCE)
MANAGEMENT)

**DECISION ON PETITION
UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF
ABANDONMENT**

This decision is in response to the petition filed November 24, 2003 under 37 C.F.R. § 1.181 requesting the Withdrawal of the Holding of Abandonment in the above identified application.

This application was held abandoned for failure to file a timely response to the Office action of mail date March 26, 2003. A Notice of Abandonment was mailed on November 4, 2003.

In support of the petition, Petitioner provides a copy of (1) an amendment filed in response to the Office action of mail date March 26, 2003, (2) a petition for a three-month extension of time indicating that a check for \$465 was attached and an authorization to charge any necessary fees to Deposit Account No. 11-0553, and (3) a post card with a PTO stamp indicating receipt at the USPTO on September 29, 2003 of the aforementioned items. Each of items 1-2 carries a Certificate of mailing bearing the date of deposit of September 26, 2003. Office records reflect that the \$465.00 payment was posted to the application on October 2, 2003.

M.P.E.P. § 503 states:

A post card receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Petitioner has established that a response was timely filed on September 26, 2003 with the requisite fee for a three-month extension of time necessary for the response to be considered timely and that the Abandonment was the result of Office error in not matching the response to the application file.

The petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center support staff for processing of the amendment. After processing, the application will then be forwarded to the Examiner for appropriate action.

Pinch M. Laufer

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